

CHARTER
OF THE
Town of Sykesville

CARROLL COUNTY, MARYLAND

*As enacted by Resolution No. 1993-07
Effective November 2, 1993*

(Reprinted November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

ARTICLE I Incorporation; General Powers; Corporate Limits

Section

- C-1. Incorporated; general powers.
- C-2. Corporate limits.

ARTICLE II The Council

- C-3. Number; selection; term.
- C-4. Qualifications.
- C-5. Salary.
- C-6. Meetings.
- C-7. Judge of qualifications of Council members.
- C-8. Chair.
- C-9. Quorum.
- C-10. Procedure.
- C-11. Vacancies.
- C-12. Adoption of ordinances.
- C-13. Referendum on ordinances.
- C-14. Filing of ordinances and resolutions.

ARTICLE III The Mayor

- C-15. Selection and term.
- C-16. Qualifications.
- C-17. Salary.
- C-18. Vacancy in office.
- C-19. Powers and duties.

ARTICLE IV General Powers

- C-20. General and specific powers.
- C-21. Exercise of powers.
- C-22. Violations of ordinances as misdemeanors and municipal infractions.

ARTICLE V

Registration, Nominations and Elections

- C-23. Qualifications of voters.
- C-24. Appointment of election judges; terms; qualifications; vacancies.
- C-25. Removal of election judges.
- C-26. Duties of election judges.
- C-27. Notice of elections; summary of referendum questions.
- C-28. Registration of voters.
- C-29. Appeal of actions of Board of Election Supervisors.
- C-30. Nominations.
- C-31. Election of Mayor.
- C-32. Election of Council members.
- C-33. Conduct of elections.
- C-34. Special elections.
- C-35. Vote count; tie votes.
- C-36. Preservation of records.
- C-37. Regulation and control.
- C-38. Penalty provisions.
- C-39. Recall of elected officials.

ARTICLE VI

Finance

- C-40. Fiscal year.
- C-41. Budget submission; contents; public record.
- C-42. Public hearing on budget; increases and decreases; adoption.
- C-43. Appropriations.
- C-44. Transfer of funds.
- C-45. Over-expenditures.
- C-46. Lapse of appropriations; unencumbered funds.
- C-47. Checks.
- C-48. Taxable property.
- C-49. Budget authorizes levy.
- C-50. Notice of tax levy.
- C-51. When taxes overdue.
- C-52. Tax sales.
- C-53. Fees.
- C-54. Audits.
- C-55. Borrowing power; tax anticipation.
- C-56. Borrowing money; sale of bonds; exceptions.
- C-57. Payment of indebtedness.
- C-58. Prior bond issues.
- C-59. Taxes on utilities.
- C-60. Payment of road tax by Carroll County.
- C-61. Purchases and contracts.

ARTICLE VII

Personnel

- C-62. Town Manager.
- C-63. Clerk-Treasurer.
- C-64. Chief of Police.
- C-65. Town Attorney.
- C-66. Officers and employees.
- C-67. Compensation of officers and employees.
- C-68. Employee benefit programs.
- C-69. Conflicts of interest and ethics.

ARTICLE VIII

Public Ways and Sidewalks

- C-70. Definition of public ways.
- C-71. Authority of Town to control public ways.
- C-72. Powers of Town with respect to public ways.
- C-73. Power of Town with respect to sidewalks.

ARTICLE IX

Water and Sewers

- C-74. Powers.

ARTICLE X

Special Assessments

- C-75. Levy of taxes for special benefits conferred upon certain property.
- C-76. Procedure.

ARTICLE XI

Town Property

- C-77. Acquisition; possession; disposal.
- C-78. Condemnation.
- C-79. Town buildings.
- C-80. Protection.

ARTICLE XII
General Provisions

- C-81. Oath of office.
- C-82. Surety bonds.
- C-83. Prior rights and obligations.
- C-84. Effect of Charter on existing ordinances.
- C-85. Gender.
- C-86. Severability.

SYKESVILLE

ARTICLE I

Incorporation; General Powers; Corporate Limits

(See Note (1))

Section C-1. Incorporated; general powers.

The inhabitants of Sykesville, Carroll County, Maryland, within the corporate limits legally established from time to time are hereby constituted and continued a body corporate, by the name of “The Town of Sykesville” (hereinafter referred to as the “Town”) with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated. (Chtr. Amdt. Res. No. 1993-07.)

Section C-2. Corporate limits.

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Land Records of Carroll County, Maryland, the Director of the Department of Legislative Services of Maryland, and in the Town Hall, 7547 Main Street, Sykesville, Maryland 21784 or in the Town records wherever so located within the Town limits. All the officials or offices named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours. (Chtr. Amdt. Res. No. 1993-07.)

ARTICLE II

The Council

Section C-3. Number; selection; term.

All legislative powers of the Town shall be vested in a council (hereinafter referred to as the “Council”) consisting of six Council members (hereinafter referred to as “Council members”) and the Mayor. Council members shall be elected as hereinafter provided and shall hold office for a term of four years or until the succeeding Council members take office. The regular term of Council members shall expire on the second Monday following the election of their successors. (Chtr. Amdt. Res. No. 1993-07.)

Section C-4. Qualifications.

Council members shall have resided in the Town for at least one year immediately preceding their election and shall be registered voters of the Town. Council members shall maintain a permanent residence in the Town during their term of office. (Chtr. Amdt. Res. No. 1993-07.)

Section C-5. Salary.

Each Council member shall receive compensation which shall be determined by an ordinance passed by the Council. The compensation specified at the time any Council member takes office shall not be changed as to that Council member during the term of office for which he was elected. (Chtr. Amdt. Res. No. 1993-07.)

Section C-6. Meetings.

The newly elected Council shall meet at 7:00 p.m. on the second Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk-Treasurer upon the request of a majority of the Council or the Town Manager. Whenever a special meeting has been called, the Clerk-Treasurer shall notify all Council members, the Mayor and the Town Manager. All meetings of the Council shall be open to the public unless specifically falling within the exceptions permitting closed sessions or adjournment of an open session to a closed session pursuant to and as provided by the State Government Article §§ 10-501 through 10-510 of the Annotated Code of Maryland, as may be amended from time to time. The rules of the Council with respect to open meetings shall provide that residents of the Town shall have a reasonable opportunity to be heard. (Chtr. Amdt. Res. No. 1993-07; Res. No. 2004-03, 9-28-04.)

Section C-7. Judge of qualifications of Council members.

The Clerk-Treasurer shall be the judge of the qualifications, contained in § C-4, of the members of the Council. (Chtr. Amdt. Res. No. 1993-07.)

Section C-8. Chair.

The Mayor shall serve as a member of the Council, preside at its meetings and shall vote on all questions coming before the Council. The Mayor shall serve as Chair of the Council. The Council shall elect a Vice Chair of the Council from among the Council members who shall act as Chair of the Council in the absence of the Mayor. (Chtr. Amdt. Res. No. 1993-07.)

Section C-9. Quorum.

A majority of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable votes of a majority of the Council. (Chtr. Amdt. Res. No. 1993-07.)

Section C-10. Procedure.

The Council shall determine its own rules and order of business. It shall keep a record of its proceedings and enter therein the results of any final action on any question, resolution, or ordinance, or at any other time if required by any one member of the Council. The record shall be open to public inspection. (Chtr. Amdt. Res. No. 1993-07.)

Section C-11. Vacancies.

A. *Appointment.* In case of a vacancy in the office of a Council member for any reason, the Council, within 60 days, shall appoint a person, qualified in accordance with § C-4, to fill such vacancy until the next Town election. The person elected at the next Town election shall fill the remainder of the unexpired term if a portion of the term exists.

B. *Procedure.* Any appointment to a vacancy shall require the favorable votes of a majority of the remaining members of the Council. The results of any such vote shall be recorded in the minutes of the Council. (Chtr. Amdt. Res. No. 1993-07.)

Section C-12. Adoption of ordinances.

A. *Procedure.* No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six nor more than 60 days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specific future date. In cases of emergency, the above requirement may be suspended by the affirmative votes of five members of the Council.

B. *Effectiveness.* Every ordinance, except an emergency ordinance, shall become effective at the expiration of 20 calendar days following its final passage by the Council. An emergency ordinance shall become effective on the date specified in the ordinance.

C. *Publication.* A fair summary of each ordinance shall be published by the Clerk-Treasurer at least once following passage by the Council in a newspaper of general circulation within the Town of Sykesville. (Chtr. Amdt. Res. No. 1993-07.)

Section C-13. Referendum on ordinances.

A. If, before the expiration of 20 calendar days following passage of any ordinance, a petition is filed with the Clerk-Treasurer containing the signatures of not less than 15% of the registered voters of the Town and requesting that the ordinance, or any part thereof, be submitted to a vote of the registered voters of the Town for their approval or disapproval, the Council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the registered voters of the Town at the next regular Town election or, in the Council's discretion, at a special election occurring before the next regular election. The Clerk-Treasurer shall verify that the petition has been signed by the required number of registered voters of the Town. Each person signing the petition shall indicate thereon both his name and residence address. The Council shall consider the petition as of no effect if it is signed by fewer than 15% of the persons who are registered to vote in municipal elections. A minor variation in the signature of a petitioner between his signature on a petition and that on the Town voter registration records shall not invalidate the signature. The invalidation of one signature on a petition shall not serve to invalidate any others.

B. No ordinance, or the part thereof requested for referendum shall become effective following the receipt of such petition until and unless approved at the election by a majority of the registered voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for 60 days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the registered voters within 60 days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum shall be suspended until approved by a majority of the registered voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters shall stand repealed.

C. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of § C-57 levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of §§ C-75 and C-76. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

D. *Advisory referendum.*

(1) By passage of a resolution at least 45 calendar days preceding any general election, the Council may direct that an advisory referendum of registered voters of the Town may be undertaken on the questions set forth in such resolution. Upon petition filed with the Clerk-Treasurer containing not less than 15% of the registered voters of the Town, at least 45 calendar days preceding any general election, an advisory referendum shall be undertaken on the questions set forth in the petition. The Clerk-Treasurer shall verify that the petition has been signed by the required number of registered voters of the Town. Each person signing the petition shall indicate thereon both his name and residence address. The Council shall consider the petition as of no effect if it is signed by fewer than 15% of the persons who are registered to vote in municipal elections. A minor variation in the signature of a petitioner between his signature on a petition and that on the Town voter registration records shall not invalidate the signature. The invalidation of one signature on a petition shall not serve to invalidate any others.

(2) Upon the passage of any such resolution or verification of a petition, it shall be the duty of the Town's Board of Election Supervisors to place such questions on all Town ballots or in a suitable place on all Town voting machines, and to certify the results of the voting on such questions(s) [question(s)] to the Clerk-Treasurer by the close of business on the Monday following the election, who shall record the results in the minutes of the Council. The Board of Election Supervisors shall verify the status of the petitioners of any referendum petition as registered voters of the Town and the fact that the petition was not substantively altered after it was signed, prior to placing the question(s) on the ballots or machines. The results of such referendum shall be advisory only, and shall not be binding upon the Council. (Chtr. Amdt. Res. No. 1993-07.)

Section C-14. Filing of ordinances and resolutions.

Ordinances and resolutions shall be permanently filed by the Clerk-Treasurer and shall be kept available for public inspection. (Chtr. Amdt. Res. No. 1993-07.)

ARTICLE III

The Mayor

Section C-15. Selection and term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four years or until his successor is elected and qualified (herein referred to as the “Mayor”). The newly elected Mayor shall take the oath of office on or before the second Monday following his election. (Chtr. Amdt. Res. No. 1993-07.)

Section C-16. Qualifications.

The Mayor shall have resided in the Town for at least one year immediately preceding his election and shall be a registered voter of the Town. The Mayor shall maintain a permanent residence in the Town during his term of office. (Chtr. Amdt. Res. No. 1993-07.)

Section C-17. Salary.

The Mayor shall receive compensation which shall be determined by an ordinance passed by the Council. The compensation specified at the time any Mayor takes office shall not be changed during the term of office for which he was elected. (Chtr. Amdt. Res. No. 1993-07.)

Section C-18. Vacancy in office.

A. *Filled.* In case of a vacancy in the office of Mayor for any reason, the Council shall appoint, within 60 days, a person, qualified in accordance with § C-16, to fill such vacancy until the Town general election. The person elected at the next regular general election shall fill the remainder of the unexpired term if a portion of the term exists.

B. *Procedure.* Any appointment to a vacancy in the office of Mayor shall require the favorable votes of a majority of the members of the Council. The results of any such vote shall be recorded in the minutes of the Council. (Chtr. Amdt. Res. No. 1993-07.)

Section C-19. Powers and duties.

A. *Executive.* The Mayor shall see that the ordinances of the Town are faithfully executed and shall be the chief executive officer, and the head of the administrative branch of the Town government.

B. *Appointments.* The Mayor, with the approval of the Council, shall appoint all officers and employees of the Town. The removal of an officer or any employee of the Town shall be made by the Mayor with the approval of the Council.

C. *Finances.* The Mayor shall prepare or have prepared annually a budget and submit it to the Council. He shall supervise the administration of the budget as adopted by the Council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

D. *Other.* The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Council, not inconsistent with this Charter. (Chtr. Amdt. Res. No. 1993-07.)

ARTICLE IV General Powers

Section C-20. General and specific powers.

A. *General.* The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

B. *Specific powers.* The Council shall have, in addition, the power to pass ordinances not contrary to the Constitution and laws of the State of Maryland, for the following specific purposes:

(1) *Advertising.* To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.

(2) *Aisles.* To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(3) *Amusements.* To provide in the interest of the public welfare for licensing, regulation, or restraining theatrical or other public amusements.

(4) *Appropriations.* To appropriate municipal monies for any purpose within the powers of the Council.

(5) *Auctioneers.* To regulate the sale of all kinds of property at auction within the Town and to license auctioneers.

(6) *Billboards.* To license, regulate, restrain or prohibit the erection or maintenance of billboards within the Town, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the Town.

(7) *Bridges.* To erect and maintain bridges.

(8) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant building permits for the same; to formulate a Building Code and a Plumbing Code and to appoint a Building Inspector and a Plumbing Inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(9) *Cemeteries.* To regulate or prohibit the interment of bodies within the Town and to regulate cemeteries.

(10) *Codification.* To provide for the codification of all ordinances which have been or may hereafter be passed.

(11) *Community services.* To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

(12) *Cooperative activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(13) *Curfew.* To prohibit the youth of the Town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(14) *Dangerous conditions.* To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(15) *Departments.* To create, change, and abolish offices or departments, other than offices or departments established by this Charter; to assign additional functions or duties to offices or departments established by this Charter, but not including the power to discontinue or assign to any other office or department any function or duty assigned by this Charter to a particular office or department.

(16) *Disorderly houses.* To suppress bawdy houses, disorderly houses and houses of ill-fame.

(17) *Dogs.* To regulate the keeping of dogs in the Town and to provide, wherever the County does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(18) *Elevators.* To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(19) *Explosives.* To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(20) *Filth.* To compel the occupant of any premises, building or outhouse situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(21) *Finances.* To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town.

(22) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the Town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of Town fire-hazard regulations are met; to install and maintain fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.

(23) *Food.* To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

(24) *Franchise.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of the applicable laws of the State of Maryland. No franchise shall be granted for a longer period than 50 years.

(25) *Gambling.* To restrain and prohibit gambling.

(26) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(27) *Grant-in-aid.* To accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof, and to expend the same for any lawful public purpose, in accordance with any terms and conditions under which the gifts or grants were made.

(28) *Hawkers.* To license, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the Town, and to revoke such licenses for cause.

(29) *Health.* To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; provided, that nothing herein shall be construed to affect in any manner any of the powers and duties of the Maryland Department of Mental Health and Hygiene, the County Board of Health, or any federal, state or local law relating to the subject of health.

(30) *House numbers.* To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the Town at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.

(31) *Jail.* To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the Town or to use the County jail for such purpose.

(32) *Licenses.* Subject to any restriction imposed by the public general laws of the state, to license and regulate all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(33) *Liens.* To provide that any valid charges, taxes or assessments made against any real property within the Town shall be liens upon such property, to be collected as municipal taxes are collected.

(34) *Lights.* To provide for the lighting of the Town.

(35) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

(36) *Markets.* To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the Town.

(37) *Minor privileges.* To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

(38) *Noise.* To regulate or prohibit unreasonable sounds.

(39) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the Town which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the Town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the Town may regulate, prohibit, control the location of, or require the removal from the Town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(40) *Obstructions.* To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the Town.

(41) *Parking facilities.* To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off street parking.

(42) *Parking meters.* To install parking meters on the streets and public places of the Town in such places as they shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Highway Administration of Maryland must first be approved by the Administration.

(43) *Parks and recreation.* To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town.

(44) *Police force.* To establish, operate and maintain a police force. All Town police officers shall have the power and authority to keep and enforce the laws of the State of Maryland and the laws of the Town of Sykesville within the corporate limits of the Town, and beyond the corporate limits of the Town so long as this power and authority does not conflict with the powers of another municipal corporation or the laws of the State of Maryland.

(45) *Police powers.* To regulate, prohibit, suppress and punish conduct necessary to protect the health, safety, welfare and morals of the inhabitants of the Town and to enforce all ordinances and laws of the State of Maryland and the laws of the Town of Sykesville within the corporate limits of the Town, and beyond the corporate limits of the Town so long as

this power and authority does not conflict with the powers of another municipal corporation or the laws of the State of Maryland.

(46) *Property.* To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least 20 days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town.

(47) *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

(48) *Sidewalks.* To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

(49) *Sweepings.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or onto any public or private property in the Town.

(50) *Taxicabs.* To license, tax and regulate public hackmen, taxicab drivers, draymen, drivers, cab drivers, porters and expressmen, and all other persons pursuing like occupations.

(51) *Trees.* To regulate and control the planting, trimming, destroying or removal of trees, bushes or their broken or fallen parts, in or upon or from any public way of the Town, or within the Town's corporate limits, without the necessity of any other authority or permission than is hereby given.

(52) *Vehicles.* To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(53) *Voting machines.* To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

(54) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said article.

C. *Saving clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the Town to the subjects mentioned. (Chtr. Amdt. Res. No. 1993-07.)

Section C-21. Exercise of powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance. (Chtr. Amdt. Res. No. 1993-07.)

Section C-22. Violations of ordinances as misdemeanors and municipal infractions.

A. The Council shall have the power to provide that the violation of any ordinance or resolution is a misdemeanor unless otherwise specified as a municipal infraction. Misdemeanors shall be punishable upon conviction within the limits authorized under § 3(a) of Article 23A of the Annotated Code of Maryland, as may be amended from time to time. The party aggrieved shall have the right to appeal as is now or may hereafter be provided for under the general laws of the State of Maryland. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. Additionally, each day of violation may constitute a separate offense.

B. The Council shall have the power to provide that the violation of any ordinance or resolution shall constitute a municipal infraction unless the violation is declared a felony or a misdemeanor under State law or under another Town ordinance. Citations for a municipal infraction may be issued and delivered to any person adjudged to be committing a municipal infraction by either the Mayor, the Town Manager, the Clerk-Treasurer or any other enforcement officer. The procedures and penalties with respect to municipal infractions shall be those as set forth in § 3(b) of Article 23A of the Annotated Code of Maryland, as may be amended from time to time. (Chtr. Amdt. Res. No. 1993-07.)

ARTICLE V

Registration, Nominations and Elections

Section C-23. Qualifications of voters.

Voter qualifications shall be as set forth in § 3-102 of the Election Law Article of the Annotated Code [of Maryland]. In addition, a voter qualified to vote in a Town election shall be a person who has a domicile in the Town and has resided within the Town limits not less than 30 days preceding the next Town election. (Chtr. Amdt. Res. No. 1993-07; Res. No. 2004-04, 9-28-04.)

Section C-24. Appointment of election judges; terms; qualifications; vacancies.

There shall be three election judges appointed by the Mayor with the approval of the Council on or before the first Monday in March of every odd numbered year (herein referred to as the "Board" or the "Board of Election Supervisors"). The terms of the election judges shall begin the first Monday in March and shall run for two years. The election judges shall be

registered voters of the Town and shall not hold or be candidates for any elective office during their term of office. Any compensation of the election judges shall be determined by the Council. Vacancies shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. (Chtr. Amdt. Res. No. 1993-07.)

Section C-25. Removal of election judges.

Any member of the Board of Election Supervisors may be removed for good cause by the Council. Before removal, the election judge to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within 10 days after receiving the written copy of the charges against him. (Chtr. Amdt. Res. No. 1993-07.)

Section C-26. Duties of election judges.

The Board of Election Supervisors shall be in charge of the registration of voters, nominations, and all Town elections. The Clerk-Treasurer shall serve as secretary to the Board. The Mayor, with the approval of the Council, may appoint additional clerks to assist the Board in the performance of its duties. (Chtr. Amdt. Res. No. 1993-07.)

Section C-27. Notice of elections; summary of referendum questions.

The Board of Election Supervisors shall give at least 15 days' notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town. Such notice shall contain a summary for any questions that are on referendum. (Chtr. Amdt. Res. No. 1993-07.)

Section C-28. Registration of voters.

Registration with the Carroll County Board of Elections by a qualified voter who has a domicile within the Town limits shall be deemed registration for Town elections. Any qualified voter who is not registered to vote in Carroll County may request to be registered as a voter in person or by written application mailed to the Town Hall. In accordance with the laws of the State of Maryland, the Town Board of Election Supervisors shall keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the Town. Unless stricken pursuant hereto, registration shall be permanent. The Council may adopt any ordinances necessary to establish and maintain a system of permanent registration and of re-registration. (Chtr. Amdt. Res. No. 1993-07.)

Section C-29. Appeal of actions of Board of Election Supervisors.

If any person shall feel aggrieved by the action of the Board of Election Supervisors in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Council. Any decision of the Council upon such appeal may be appealed to the

Circuit Court for Carroll County within 30 days of the decision of the Council. (Chtr. Amdt. Res. No. 1993–07.)

Section C–30. Nominations.

A. *Public Town meeting; date.* Persons shall be nominated for elective office at a public Town meeting held on the fourth Monday in March of every odd numbered year.

B. *Chair of public Town meeting.* The Mayor shall serve as chair of the public Town meeting pursuant to this section.

C. *Participants in meeting.* Only registered voters shall have the right to participate in the nomination process at the public Town meeting.

D. *Nominees.* Only those persons who meet the qualifications, contained in §§ C–4 and C–16, shall be nominated for Council member or Mayor.

E. *Procedure.* Nominations shall be received for the office of Mayor first and then for the office of Council member. If there is to be an election to fill the remainder of an unexpired term for Council member by a vacancy, nominations for this position shall be considered separately from the nominations for full term Council positions.

F. *Motions.* A person shall be considered nominated for elective office by a motion from the floor that is properly seconded and accepted by the person nominated.

G. *Acceptance.* A person who was nominated for elected office may accept such nomination by:

(1) Appearing in front of the Town Manager or Town Clerk–Treasurer to be sworn in and signing a certification of acceptance before the close of the first regular public Town meeting in April; or

(2) Appearing and accepting in person at either the public Town meeting where the nomination was made or the first regular public Town meeting in April.

H. *Candidate’s revocation of acceptance.* Any candidate may revoke his/her acceptance of nomination by (1) appearing in front of the Town Manager or Clerk–Treasurer and submitting a written revocation of his/her acceptance of nomination before the close of the first regular public Town meeting in April or (2) appearing at the first regular public Town meeting in April and revoking his/her acceptance of nomination. Upon such revocation of acceptance of nomination the name of such candidate shall be withdrawn from the ballot.

I. *Prohibition against dual offices.* No person shall file for or accept a nomination to more than one elected Town office or hold more than one elected Town office at any one time. (Chtr. Amdt. Res. No. 1993–07; Chtr. Amdt. Res. No. 1999–1, 11–02–99.)

Section C-31. Election of Mayor.

On the first Tuesday of May 1993 and every four years thereafter, the registered voters of the Town shall elect one person as Mayor to serve for a term of four years. (Chtr. Amdt. Res. No. 1993-07.)

Section C-32. Election of Council members.

A. *First group.* On the first Tuesday of May 1993, and every four years thereafter, the registered voters of the Town shall elect three persons as Council members to serve for terms of four years.

B. *Second group.* On the first Tuesday of May 1995, and every four years thereafter, the registered voters of the Town shall elect three persons as Council members to serve for terms of four years. (Chtr. Amdt. Res. No. 1993-07.)

Section C-33. Conduct of elections.

A. *Nonpartisan.* All elections shall be on a nonpartisan basis.

B. *Ballots.* The ballots and/or voting machines shall show the name of each candidate nominated for elective office arranged in alphabetical order by office with no party designation of any kind. For the purposes of elections, an election to fill the remainder of an unexpired term of a Council member shall be considered as a separate office and shall be so indicated on the ballots and/or voting machines.

C. *Procedure.* It shall be the duty of the Board of Election Supervisors to provide for each special and general election, a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The Board shall keep the polls open from 8:00 a.m. to 8:00 p.m. on election days or for longer hours if the Council requires it.

D. *Voting by absentee ballot.* Any qualified voter registered to vote in the Town may vote in any Town election by absentee ballot. The Board of Election Supervisors shall provide the procedure to vote by absentee ballot, which shall include provisions for the transmittal and receipt of applications for absentee ballots, envelopes, instructions, and printed matter to enable absentee voters to vote. (Chtr. Amdt. Res. No. 1993-07.)

Section C-34. Special elections.

All special Town elections shall be conducted by the Board of Election Supervisors in the same manner, as far as practicable, as regular Town elections. (Chtr. Amdt. Res. No. 1993-07.)

Section C-35. Vote count; tie votes.

A. Promptly after the closing of the polls, the Board of Election Supervisors shall determine the vote cast for each candidate or question and shall certify the results of the election

to the Clerk–Treasurer of the Town who shall record the result in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The three candidates for full terms as Council members with the highest number of votes in the general elections shall be declared elected as Council members. The candidate to fill the remainder of an unexpired term of a Council member with the highest number of votes in the election shall be declared elected as Council member for the remainder of the unexpired term.

B. In the event election results in a tie vote between two or more candidates for the same office, the following procedures shall govern:

(1) if the tie is among two or more candidates who received the most votes cast in an election for one office, a runoff election between those two or more candidates will be held.

(2) if the tie is among two candidates who received the most votes cast in an election for two offices, the tied candidates will be certified elected.

(3) if the tie is among three or more candidates who received the most votes cast in an election for two offices, a runoff election between those three or more candidates will be held.

(4) if the tie is for the second place in an election for two offices, a runoff election between those two or more tied candidates will be held.

(5) if the tie is among two candidates for the second and third places in an election for three offices, those two candidates will be certified as elected.

(6) if the tie is for the third place in an election for three offices, a runoff election between those two or more tied candidates will be held.

C. A runoff election shall be held as a special election under Charter [§] C–34 two weeks after the date of the election resulting in the tie vote. (Chtr. Amdt. Res. No. 1993–07; Chtr. Amdt. Res. No. 1999–1, 11–02–99.)

Section C–36. Preservation of records.

All ballots and records used in any Town election shall be preserved for at least six months from the date of the election. (Chtr. Amdt. Res. No. 1993–07.)

Section C–37. Regulation and control.

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination, and Town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. (Chtr. Amdt. Res. No. 1993–07.)

Section C-38. Penalty provisions.

Any person who (1) fails to perform any duty required of him under the provisions of this article or any ordinances passed thereunder, (2) in any manner wilfully or corruptly violates any of the provisions of this article or any ordinances passed thereunder, or (3) wilfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or Town election, shall be deemed guilty of a misdemeanor. Any officer or employee of the Town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment. (Chtr. Amdt. Res. No. 1993-07.)

Section C-39. Recall of elected officials.

A. *Application.* The holder of any elective office of the Town shall be subject to recall by a majority of the registered voters of the Town.

B. *Petition.* If a petition signed by not less than 25% of the registered voters of the Town shall be presented to the Clerk-Treasurer, requesting an election to vote upon the recall of the officeholder, the Clerk-Treasurer shall verify that the petition has been signed by the required number of registered voters of the Town. Each person signing the petition shall indicate thereon both his name, and residence address. The Council shall consider the petition as of no effect if it is signed by fewer than 25% of the persons who are registered to vote in municipal elections. A minor variation in the signature of a petitioner between his signature on a petition and that on the Town voter registration records shall not invalidate the signature. The invalidation of one signature on a petition shall not serve to invalidate any others. If the petition fails to contain the required number of valid signatures, as determined by the Clerk-Treasurer, the petitioners may submit as an amendment to their original petition the additional number of valid signatures to meet the requirements of this section.

C. *Effect of petition.* If the Clerk-Treasurer shall determine that the petition meets all the requirements of this section, the Council shall, by resolution, specify the day and the hours for a special election to be held, not more than 45 calendar days from the date said resolution is adopted. The resolution shall specify the exact wording of the question which is to appear on the ballot. The ballot question shall include the name of the officeholder in question, the office which he holds, and shall request a "yes" or a "no" vote as to his removal from that office. The ballot question shall not specify, or in any way refer to or imply, the reasons for which removal is being sought.

D. *Results of election.* If a majority of the registered voters in the special election voting in an election vote in favor of recalling the officeholder in question, upon certification of the results of the election by the Clerk-Treasurer to the Council, said office shall thereupon be declared vacant by the Council, and shall be filled by the Council in the manner prescribed by this Charter, provided, however, that if the total number of votes cast in the special election does not equal at least 25% of the total number of votes cast in the last municipal general election, then the recall shall fail. (Chtr. Amdt. Res. No. 1993-07.)

ARTICLE VI

Finance

Section C-40. Fiscal year.

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June in the next year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year. (Chtr. Amdt. Res. No. 1993-07.)

Section C-41. Budget submission; contents; public record.

The Mayor, on such date as the Council shall determine, but at least 45 days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk-Treasurer, [and] open to public inspection by anyone during normal business hours. (Chtr. Amdt. Res. No. 1993-07; Res. No. 2001-01, 1-29-02.)

Section C-42. Public hearing on budget; increases and decreases; adoption.

Before adopting the budget the Council shall hold a public hearing thereon after 10 days' notice thereof in one newspaper having general circulation within the Town. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least four members of the Council shall be necessary for adoption. Council shall adopt a budget for the next fiscal year prior to the close of the preceding fiscal year. (Chtr. Amdt. Res. No. 1993-07.)

Section C-43. Appropriations.

No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. (Chtr. Amdt. Res. No. 1993-07.)

Section C-44. Transfer of funds.

Any transfer of funds between appropriations for different purposes by the Mayor must be approved by the Council before becoming effective. (Chtr. Amdt. Res. No. 1993-07.)

Section C-45. Over-expenditures.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (Chtr. Amdt. Res. No. 1993-07.)

Section C-46. Lapse of appropriations; unencumbered funds.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpected and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. (Chtr. Amdt. Res. No. 1993-07.)

Section C-47. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Clerk-Treasurer or Town Manager and shall be countersigned by the Mayor, or Council Vice Chair, if the Mayor is unavailable. (Chtr. Amdt. Res. No. 1993-07; Chtr. Amdt. Res. No. 2003-01, 4-15-03.)

Section C-48. Taxable property.

All real property and all tangible property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly. (Chtr. Amdt. Res. No. 1993-07.)

Section C-49. Budget authorizes levy.

From the effective date of the budget, the amounts stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year. (Chtr. Amdt. Res. No. 1993-07.)

Section C-50. Notice of tax levy.

Promptly after the levy is made by the Council in each year, the Clerk-Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town. He shall make out and mail or deliver in person to each taxpayer or his agent at his

last known address a bill or account of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by the Charter all taxes levied on his property. (Chtr. Amdt. Res. No. 1993-07.)

Section C-51. When taxes overdue.

A. The taxes provided for in § C-49 shall be due and payable in accordance with applicable law. All ad valorem taxes due and owing for owner-occupied residential property owners may be paid in semiannual installments or in one annual installment in accordance with the property owner's election. Such ad valorem taxes for owner-occupied residential property, if paid in one annual installment, shall be due and owing on the first day of July in the year in which they are levied and shall become overdue and in arrears on the first day of the following October. Such ad valorem taxes for owner-occupied residential property, if paid in semiannual installments, shall be due and owing for the first installment on the first day of July in the year in which they are levied, and the first installment shall become overdue and in arrears on the first day of the following October and shall be due and owing for the second installment on the first day of January and the second installment shall become overdue and in arrears on the first day of the following February.

B. Any and all other taxes shall be due and payable in accordance with applicable law, or on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October.

C. Any and all installments in arrears shall bear interest while in arrears at the rate of 1 1/2% for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following February shall be collected as provided in § C-52. Taxes paid in full in one annual installment prior to the first day of August in the year for which the taxes are levied shall be entitled to a two percent discount. (Res. No. 1996-1, 9-3-96.)

Section C-52. Tax sales.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by § C-51 of this Charter shall be turned over by the Clerk-Treasurer to the official of Carroll County responsible for the sale of tax delinquent property as provided in state law. All property listed thereon shall if necessary be sold for taxes by the County official, in the manner prescribed by state law. (Chtr. Amdt. Res. No. 1993-07.)

Section C-53. Fees.

All fees received by an officer or employee of the Town government in his official capacity shall belong to the Town government and be accounted for to the Town. (Chtr. Amdt. Res. No. 1993-07.)

Section C-54. Audits.

The financial books and accounts of the Town shall be audited annually in a manner determined by the Mayor and Council. (Chtr. Amdt. Res. No. 1993-07.)

Section C-55. Borrowing power; tax anticipation.

During the first six months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed 50% of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes. (Chtr. Amdt. Res. No. 1993-07.)

Section C-56. Borrowing money; sale of bonds; exceptions.

The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in §§ 31 to 39, both inclusive, of Article 23A of the Annotated Code of Maryland, as may be amended from time to time, with the following exceptions:

A. No bonds may be issued for longer than a 40-year period. Provided, however, that any unpaid balance remaining at the expiration date of a bond issue may be refunded.

B. The requirement for competitive bidding contained in § 34(4) of Article 23A shall not apply to the Town, but the Council shall have the option, in each instance, to determine whether such bonds, notes, or other evidences of indebtedness shall be sold at public sale as prescribed by § 34(4) or shall be sold by negotiation at private sale without solicitation or competitive bids; provided, however, that the total amount of such bonds, notes, or other certificates of indebtedness outstanding at any time shall not exceed 10% of the assessed value of all real and personal property in the Town as appears on the assessment records of Carroll County. (Chtr. Amdt. Res. No. 1993-07; Res. No. 2001-02, 1-29-02.)

Section C-57. Payment of indebtedness.

The power and obligation of the Town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the Town is hereby pledged for the payment of the principal of

and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance. (Chtr. Amdt. Res. No. 1993-07.)

Section C-58. Prior bond issues.

All bonds, notes, or other evidences of indebtedness validly issued by the Town prior to the effective date of this Charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth. (Chtr. Amdt. Res. No. 1993-07.)

Section C-59. Taxes on utilities.

The Council shall have the power as authorized by the laws of the State of Maryland to levy a tax on gas companies, electric light companies, cable television franchises, and to levy a license on telephone and telegraph companies, and cable television companies for each pole, pedestal, underground cable, or other structure erected or located within the corporate limits of the Town by any telephone, telegraph and cable television companies. Any such tax or license levied under the provisions of this section shall be in the form of an ordinance. (Chtr. Amdt. Res. No. 1993-07.)

Section C-60. Payment of road tax by Carroll County.

Annually, the Town shall receive from the Commissioners of Carroll County as authorized by the laws of the State of Maryland, as may be in effect from time to time, 1/2 of the amount of county road tax levied upon the assessable property within the Town limits or so much thereof as may be authorized or appropriated from time to time by law. Any such funds received by the Town shall be exclusively used for the improvement of public ways within the Town limits. (Chtr. Amdt. Res. No. 1993-07.)

Section C-61. Purchases and contracts.

A. *Under \$10,000.* Purchases and contracts under \$10,000 may be made by the Mayor and/or the Town Manager, provided the funds have been appropriated in the budget for the use intended. The Council may regulate by ordinance or resolution (a) the purchasing policy of the Town; (b) rules, regulations and procedures regarding the use of bids; and (c) rules, regulations and procedures regarding written contracts.

B. *Over \$10,000.* All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than \$10,000 shall be made on written contract. All written contracts shall be approved by the Council before becoming effective. All such written contracts involving more than \$10,000 shall be awarded by sealed bids. The Clerk-Treasurer shall be required to advertise for sealed bids for all such written contracts that require sealed bids. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and

responsibility of bidders being considered. The Council shall have the right to reject all bids and readvertise. The Town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the Council may require.

C. *Negotiated contracts.* Notwithstanding subsection B, all contracts involving professional services such as accounting, architecture, auditing, consulting, computer maintenance and support services, engineering, law, planning, and surveying shall not be subject to competitive bidding, but shall be negotiated by the Mayor with the approval of the Council.

D. *Cooperative Procurement Authorized.*

(a) The Town may contract with any contractor who offers goods, services, insurance, or construction on the same terms as provided to (i) the State of Maryland; (ii) any other state of the United States of America; (iii) any county or local governments or agencies of the State of Maryland or any other State of the United States of America (the entities listed in i, ii and iii shall collectively be referred to as “Governmental Entities”) which Governmental Entities have arrived at those terms through a competitive procurement procedure requiring bids, proposals from bidders, and analysis of responsive bids in accordance with the applicable laws of such Governmental Entities.

(b) The effective date for authorization of the cooperative procurement pursuant to § C-61D(a) shall be retroactive to January 3, 2005. (Chtr. Amdt. Res. No. 1993-07; Res. No. 2001-03, 1-29-02; Res. No. 2005-01, 9-27-05.)

ARTICLE VII Personnel

Section C-62. Town Manager.

A. The Mayor, with the approval of the Council, shall have the power to appoint a Town Manager (herein referred to as the “Town Manager”). The Town Manager shall serve at the pleasure of the Mayor and Council and shall be under the direct supervision of the Mayor.

B. The Town Manager shall generally assist the Mayor in the day-to-day administration of the Town government. All departments and the Clerk-Treasurer shall be responsible to the Town Manager and through the Town Manager to the Mayor. In addition, the Town Manager shall have the following general duties:

(1) The Town Manager shall organize, direct and supervise the administration of all departments, offices and agencies of the Town.

(2) The Town Manager shall determine that all law and provisions of the Town Charter and acts of the Council are faithfully executed.

(3) Unless excused by the Mayor and Council, the Town Manager shall attend all meetings of the Council and may participate in discussions and make recommendations as appropriate at such meetings, but the Town Manager shall not vote.

(4) The Town Manager shall make authorized purchases of materials, equipment, supplies and services.

(5) The Town Manager shall actively be involved in supervising the construction, maintenance and disposition of all Town property.

(6) The Town Manager shall do such other things in relation to the fiscal, financial or administrative affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in the laws of The Town of Sykesville. (Chtr. Amdt. Res. No. 1993-07.)

Section C-63. Clerk-Treasurer.

A. There shall be a Clerk-Treasurer appointed by the Mayor with the approval of the Council (herein the "Clerk-Treasurer"). The Clerk-Treasurer shall serve at the pleasure of the Mayor and Council and shall be under the direct supervision of the Town Manager.

B. The Clerk-Treasurer shall have the following general duties:

(1) Attend all meetings of the Council; record all proceedings and legislative actions; maintain custody of all recorded minutes.

(2) Assist the Board of Election Supervisors in the supervision of Town elections.

(3) Administer the collection and disbursement of all Town funds; prepare financial reports; establish and maintain all financial records; assist the Town auditor in completing financial review and analysis of the Town's financial condition at the end of each fiscal year; and formulate fiscal policies and investment policies with the Town Manager.

(4) Administer a payroll system.

C. The Clerk-Treasurer shall do such other things in relation to the fiscal, financial or administrative affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in the laws of the Town of Sykesville. (Chtr. Amdt. Res. No. 1993-07.)

Section C-64. Chief of Police.

A. The Mayor, with the approval of the Council, shall have the power to appoint a Chief of Police to head the Police Department. The Chief of Police shall serve at the pleasure of the Mayor and Council and shall be under the direct supervision of the Town Manager.

B. The general duties of the Chief of Police shall be:

(1) To organize, manage and supervise the Town's Police Department in all areas of law enforcement.

(2) To establish rules and regulations and operational policies for the Police Department and set the standards for police training performance.

(3) To formulate goals and objectives for the Police Department and to insure productivity from its personnel.

(4) To set operational strategies that will work best in the community and to insure the citizens have a well trained and professional Police Department.

(5) To propose a departmental budget and work within the limits of any budget established for the Police Department by the Council.

C. The Police Chief shall do such other things in relation to the fiscal, financial or administrative affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in the laws of the Town of Sykesville. (Chtr. Amdt. Res. No. 1993-07.)

Section C-65. Town Attorney.

The Mayor with the approval of the Council shall appoint a Town Attorney (herein referred to as the "Town Attorney"). The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Mayor and Council. The Town Attorney's fee compensation and all financial arrangements with the Town Attorney shall be determined by the Council. The Town shall have the power to employ such additional or other legal consultants as it deems necessary from time to time. (Chtr. Amdt. Res. No. 1993-07.)

Section C-66. Officers and employees.

The Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state law and to operate the Town government. (Chtr. Amdt. Res. No. 1993-07.)

Section C-67. Compensation of officers and employees.

The compensation of all officers and employees of the Town shall be set from time to time by an ordinance passed by the Council, subject to the restrictions imposed upon establishing the salaries of the Council members and Mayor. (Chtr. Amdt. Res. No. 1993-07.)

Section C-68. Employee benefit programs.

The Town is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public monies of the Town for such programs. (Chtr. Amdt. Res. No. 1993-07.)

Section C-69. Conflicts of interest and ethics.

The Council shall have the power and authority to adopt, by ordinance, various rules, regulations and procedures regarding conflicts of interest, and the public ethics of its employees and appointees in accordance with the State Government Article § 15-101 et seq. of the Annotated Code of Maryland, as amended from time to time. The Council may further provide for such enforcement and penalty provisions for violation of the state law or Chapter 12, Ethics, of the Code of the Town of Sykesville. (Chtr. Amdt. Res. No. 1993-07; Res. No. 2004-03, 9-28-04.)

ARTICLE VIII

Public Ways and Sidewalks

Section C-70. Definition of public ways.

The term “public ways” as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys, curbs, gutters, public sidewalks and any part thereof reasonably appurtenant thereto. (Chtr. Amdt. Res. No. 1993-07.)

Section C-71. Authority of Town to control public ways.

The Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Highway Administration of Maryland or Carroll County. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town. (Chtr. Amdt. Res. No. 1993-07.)

Section C-72. Powers of Town with respect to public ways.

The Town shall have the power:

- A. To establish, regulate, and change from time to time the grade lines, width, and construction materials of any Town public way or part thereof, bridges, curbs, and gutters.
- B. To grade, lay out, construct, open, extend, and make new Town public ways.
- C. To grade, straighten, widen, alter, improve, or close up any existing Town public way or part thereof.

- D. To pave, surface, repave, or resurface any Town public way or part thereof.
- E. To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.
- F. To construct, reconstruct, maintain, and repair bridges.
- G. To name Town public ways.
- H. To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (Chtr. Amdt. Res. No. 1993–07.)

Section C–73. Power of Town with respect to sidewalks.

The Town shall have the power:

- A. To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on Town property along any public way or part thereof.
- B. To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on Town property along any public way or part thereof.
- C. To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.
- D. To require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this section at the owner’s expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law. (Chtr. Amdt. Res. No. 1993–07.)

ARTICLE IX

Water and Sewers

Section C–74. Powers.

The Town shall have the power:

- A. To construct, operate and maintain a water system and water plant.
- B. To construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.

C. To construct, operate, and maintain a storm water drainage system and storm water sewers.

D. To construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.

E. To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

F. To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (Chtr. Amdt. Res. No. 1993–07.)

ARTICLE X

Special Assessments

Section C–75. Levy of taxes for special benefits conferred upon certain property.

The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation, construction, reconstruction, major repair, improvement or acquisition of water mains, sanitary sewer mains, stormwater sewers, curbs, and gutters and by the construction, reconstruction, major repair, improvement, paving or acquisition of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project. (Chtr. Amdt. Res. No. 1993–07.)

Section C–76. Procedure.

The procedure for special assessments, wherever authorized in this Charter, shall be as follows:

A. *Basis of cost.* The cost of the project being charged for shall be assessed according to the front-foot rule of apportionment or some other equitable basis determined by the Council.

B. *Maximum assessment.* The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed 10% of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

C. *Classes of property.* When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

D. *Levy of assessments.* All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Clerk–Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the project to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Clerk–Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of the hearing shall be set at least 10 and not more than 30 days after the Clerk–Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the Council, in its discretion, may vote to proceed with the project and may levy the special assessment.

E. *Appeals.* Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for Carroll County within 10 days after the levying of any assessment by the Council.

F. *Payment of assessments.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed 40 years and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

G. *When due.* All special assessment installments shall be overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

H. *Collections.* All special assessments shall be billed and collected by the Clerk–Treasurer. (Chtr. Amdt. Res. No. 1993–07; Res. No. 2001–02, 1–29–02.)

ARTICLE XI

Town Property

Section C-77. Acquisition; possession; disposal.

The Town may acquire real, personal, or mixed property within or without the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the Town (by whatever prior name known), on the effective date of this Charter, are vested in the Town, subject to the terms and conditions thereof. (Chtr. Amdt. Res. No. 1993-07.)

Section C-78. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other state law applicable to the Town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in the Real Property Article of the Annotated Code of Maryland, as may be amended from time to time. (Chtr. Amdt. Res. No. 1993-07.)

Section C-79. Town buildings.

The Town shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the Town government. (Chtr. Amdt. Res. No. 1993-07.)

Section C-80. Protection.

The Town shall have the power to do whatever may be necessary to protect Town property and to keep all Town property in good condition. (Chtr. Amdt. Res. No. 1993-07.)

ARTICLE XII

General Provisions

Section C-81. Oath of office.

A. *Text.* Before entering upon the duties of their offices, the Mayor, the Council members, the Clerk-Treasurer, the election judges, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation: “I, _____, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the

best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____, according to the Constitution and Laws of the State.”

B. *How subscribed.* The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Carroll County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor. (Chtr. Amdt. Res. No. 1993–07.)

Section C–82. Surety bonds.

The Clerk–Treasurer and such other officers or employees of the Town as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the Town. (Chtr. Amdt. Res. No. 1993–07.)

Section C–83. Prior rights and obligations.

All right, title, and interest held by the Town or any other person or corporation on the effective date of this Charter, in and to any lien acquired under any prior Charter of the Town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever in existence on June 20, 1964, the effective date of this Charter. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Charter had not become effective. (Chtr. Amdt. Res. No. 1993–07.)

Section C–84. Effect of Charter on existing ordinances.

A. *Not in conflict.* All ordinances, resolutions, rules, and regulations in effect in the Town on the effective date of this Charter, which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

B. *In conflict.* All ordinances, resolutions, rules, and regulations in effect in the Town on the effective date of this Charter, which are in conflict with the provisions of this Charter, be and the same hereby are repealed to the extent of such conflict. (Chtr. Amdt. Res. No. 1993–07.)

Section C–85. Gender.

When the masculine gender is used in this Charter it shall be construed to include the feminine gender. (Chtr. Amdt. Res. No. 1993–07.)

Section C-86. Severability.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply. (Chtr. Amdt. Res. No. 1993-07.)

NOTES

(1) Resolution 2004–01, effective September 28, 2004, provides for the renumbering of the Charter, as well as various stylistic and grammar changes. Resolution 2004–02, effective September 28, 2004, repealed Sections 18–78, 18–79, 18–80, 18–81, 18–83, 18–84, 18–86, and 18–87 and transferred the following sections to the Code of the Town of Sykesville: Sections 18–76, 18–77, 18–82, and 18–85.

